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anno Domini, Millesimo Septin-
gentesimo Septuagesimo Sexto.

ARTICLES

AND

RULES

FOR

Encouraging the Association,

AND THE

Better Governing the Militia,

In the Government of the Counties of *New-castle,*
Kent and Sussex, upon *Delaware.*

803

W I L M I N G T O N,

* Printed by JAMES ADAMS, 1776.

John Deffen

Anno Milleſimo Septingenteſimo Septuageſimo Sexto.

*An ACT for eſtabliſhing a
Militia in this State.*

WHEREAS Sch-Prelivatio is the
first Principle and Law of Nature,
and a Duty that every Man indispensibly
owes not only to himself but to the Su-
preme Director and Governor of the Universe
who gave him a Being: AND WHERE-
AS in a state of Political Society and Go-
vernment all Men by their original Con-
tract and Agreement are obliged to unite
in defending themselves, and those of the
same Community, against such as shall at-
tempt unlawfully to deprive them of their
A just

just Rights and Liberties ; and it is apparent that without Defence no Government can possibly subsist. AND WHEREAS the King of *Great-Britain* hath waged a most cruel, unjust and unnatural War against the Inhabitants of the United States of *America*, and designs to prosecute the same to the total Destruction of their Liberties and Property, and to the establishing Despotism and Slavery over our Country : FOR PREVENTION whereof, and that the Inhabitants of this State may be armed, trained and disciplined in the Art of War, whereby they may be enabled not only to assert their just Rights but also to defend themselves, their Lives and Properties, and preserve inviolate that Freedom they derived from their Ancestors and the Constitution, and transmit the fair Inheritance to their Posterity ;

BE IT ENACTED by the GENERAL ASSEMBLY of *Delaware*, and it is hereby enacted by the Authority of the same, That every able-bodied effective Male white Person, of the Age of eighteen and under fifty Years, residing in this State, (Clergymen and Preachers of the Gospel of every Denomination,

mination, Judges of the Supreme and Courts of Common Pleas, and every Keeper of a Public Goal within this State, Indented Servants and Servants adjudged to serve their Creditors, and those who have already regularly enrolled, only excepted) who shall refuse or neglect to enrol himself in some Troop of Horse, or in some Company of Militia, in the District or Neighbourhood in which he resides, on or before the *Tenth* Day of *April* next, shall forfeit and pay the Sum of *Twenty Shillings*: And every such Person so refusing or neglecting, who is assessed or rated towards the public Taxes for the current Year at Ten and under Twenty Pounds in the County of *New-castle*, and at Fifteen and under Thirty Pounds in the other Counties (that being the Difference in the Mode of Assessment) shall forfeit and pay, annually, the Sum of *Thirty Shillings*, over and above the said *Twenty Shillings*; and every such Person so refusing and neglecting, who is assessed or rated towards the public Taxes for the current Year at Twenty Pounds or upwards in the County of *New-castle*, and at Thirty Pounds or upwards in the other Counties, shall forfeit and pay, annually, the Sum of *Fifty Shillings*,

lings, over and above the said *Twenty Shillings*: And if such as are Apprentices, or under Age, shall be restrained by their Masters, Parents or Guardians from enrolling themselves as aforesaid, then and in such Case the said Penalties shall be paid by the Master, Parent or Guardian so restraining them respectively. And in Case any Dispute shall arise about the Age of any Person, the same shall be determined by the Captain before whom such Dispute shall happen, on the Oath or Affirmation of the Person whose Age is in Question, or the Oath or Affirmation of his Parent, or some other credible Witness, which Oath or Affirmation the said Officer is hereby empowered to administer, and to determine accordingly.

AND BE IT ENACTED,
That every Male Person of the Age of fifty Years and upwards (Clergymen and Preachers of the Gospel of every Denomination, every Keeper of a public Goal, and those who have a Son or an Apprentice between the Ages of eighteen and twenty-one Years enrolled as aforesaid, only excepted,) who doth not enrol himself as aforesaid, shall,
as

as a small Compensation for the Protection and Security of his Person and Property derived from the Militia, pay, annually, the Sum of *One Shilling* and *Six-pence* in the Pound in the County of *New-castle*, and *One Shilling* in the Pound in the other Counties, to the Collector of the public Levies of the Hundred in which he resides, over and above his other Taxes.

AND BE IT FURTHER ENACTED,
That every Person enrolled, who is rated in the County of *New-castle* at Four Pounds, or in the other Counties of this State at Six Pounds or upwards, towards the Payment of public Taxes, shall at his own Expence provide himself, and every Apprentice, or other Person, of the Age of eighteen and under twenty-one Years, who hath an Estate of his own of the Value of Eighty Pounds, or whose Parent is rated at Twelve Pounds in the County of *New-castle*, or at Twenty Pounds in the other Counties, towards the public Taxes, shall by his Parent or Guardian, respectively, be provided, with a Musket or Firelock, with a Steel Ramrod, a Bayonet, Cartouch-Box to contain twenty-three Cartridges, a Priming-Wire, Brush
and

and six Flints, all in good Order, on or before the *first* Day of *May* next, and shall keep the same by him at all Times ready and fit for Service, under the Penalty of *Twenty Shillings* for every two Months Neglect or Default, to be paid by such enrolled Person, if of full Age, and by the Parent or Guardian of such as are under Age; the same to be charged by the Guardian to his Ward, and allowed at Settling the Accounts of his Guardianship: PROVIDED ALWAYS, That if it should appear to the Satisfaction of the Field-Officers of the Battalion to which such Person so neglecting doth belong, that he hath used Endeavours to procure such Arms and Accoutrements, but could not, that then and in such Case the Fine may be remitted and a longer Time allowed for furnishing the same.

AND BE IT ENACTED, That every Person between the Ages of eighteen and fifty Years, (Clergymen and Preachers of the Gospel, Judges, Keepers of public Goals, indented Servants and Servants adjudged to serve their Creditors, excepted) refusing or neglecting to enrol himself as aforesaid, shall forfeit and pay for every Day that

that those who enrol are by this Act obliged to train and exercise, either in Battalion or Companies, the Sum of *Three Shillings and Nine-pence*: PROVIDED ALWAYS, That if such Person, so refusing or neglecting, shall at any Time after enrol himself as before directed, the above Penalty shall only be paid for the Days he shall have neglected to enrol and exercise, and that he shall afterwards be subject to the same Rules and Regulations with other Enrollers.

AND BE IT FURTHER ENACTED, That each Company of Foot-Militia in this State, now formed, or that hereafter may or shall be formed, shall consist of fifty Privates at the least, and shall not exceed the Number of seventy-six; and if a greater Number than seventy-six shall be enrolled in any one Company, then the Enrolment of any after the first seventy-six effective Privates shall be deemed void, and such shall enrol in some other Company.

PROVIDED, That no Person already enrolled, or that may hereafter enrol himself in any Troop or Company in this State, shall be permitted to leave said Troop,
or

or Company, without the Consent of the Captain in Writing. And each Company already formed, if it now is, or before the *tenth* Day of *April* next shall be, made up to fifty Privates or upwards, shall, in case of Vacancies among their Commissioned Officers, elect others by Ballot in their Stead, and all Companies, which shall be hereafter formed, having a sufficient Number of Men enrolled therein to make up fifty Privates, besides non-commissioned Officers, shall in like Manner elect their Officers; all which Elections shall be held at convenient Times and Places, after due Notice given, in the Presence of a Field-Officer of the Battalion to which such Company electing belongs, or may be annexed, after which the said Field-Officer shall transmit a Roll of the said Company, and a Certificate of the Officers so elected, to the President or Commander in Chief, in order that Commissions may issue to those Officers, which shall be done by the President or Commander in Chief *ex Officio*, without Fee or Reward. And all Vacancies of Field-Officers shall and may be supplied by the Elections of the commissioned Officers of the Regiment or

Battalion

Battalion in which such Vacancies have happened, or may hereafter happen, which Elections shall be held at convenient Times and Places, after due Notice given by the Commanding Officer of such Regiment or Battalion, in the Presence of such Commanding Officer, and shall be by Ballot; after which he shall transmit the Name or Names of the Person or Persons chosen by a Majority of Votes to the President or Commander in Chief, who shall issue Commissions accordingly, *ex Officio*.

PROVIDED ALWAYS, That if any Vacancy that hath happened, or may hereafter happen, in any Company or Regiment, shall not be supplied in Manner before directed within twenty Days, then and in such Case the President or Commander in Chief may and shall nominate and appoint such Person as he shall think most suitable to fill up such Vacancy.

AND BE IT FURTHER ENACTED That the President or Commander in Chief with the Approbation of the Privy-Coun-

eil, or any two of them, may and shall Commissionate three Brigadiers General, and also one Major General (if he shall think such Appointment necessary) to command the Militia of this State.

AND, for the Purpose of ascertaining the Persons who do not enrol themselves agreeable to the Directions of this Act, IT IS HEREBY ENACTED, That the Commanding Officer of every Company shall, on or before the first Day of *May* next, and once in every six Months after, return a Muster Roll or Paper, certified by him, to the Commanding Officer of the Battalion to which he belongs, and also a List of all the Non-Enrollers within his District, distinguishing those who are between eighteen and twenty-one Years, and those who are fifty Years of Age and upwards, under the Penalty of *Twenty Shillings*. And the said Commanding Officer of the Battalion shall, within one Month next after the Receipt of such Roll, send a Copy thereof under his Hand to the President or Commander in Chief in this State for the Time being, under the Penalty of *Three Pounds*.
AND

AND BE IT ENACTED, That every Company of Foot and Troop of Horse shall be exercised one Day in every Month, at such Places within his District as the Commanding Officer shall direct, (except in *July, January and February*;) and every Battalion shall be exercised in Battalion, at such Times and Places as the Field-Officers of the Battalion shall appoint, twice in each Year, the Day of Exercise in Battalion being accounted as the Day of Exercise for that Month. And every Commissioned Officer, having no reasonable excuse, shall attend at the Time and Place of Review, and there do and perform his Duty according to his Office and Station; and for every Refusal or Neglect shall be fined *Forty Shillings* if a Colonel, *Thirty Shillings* if a Lieutenant-Colonel, *Twenty Shillings* if a Major, *Fifteen Shillings* if a Captain, and *Ten Shillings* if a Subaltern, to be adjudged by the Commissioned Officers present, or the major Part of them, at any subsequent meeting; and every Captain and Subaltern having no reasonable Excuse for Neglect or Refusal to attend on other muster Days, shall be fined, the Captain *Seven Shillings* and

and *Six-pence*, and each Subaltern *Five Shillings*, to be adjudged as aforesaid.

AND BE IT ENACTED, That every non-commissioned Officer and Private of Horse and Foot shall attend at the Time and Place appointed for their respective Appearance for Exercise, with his Firelock and other Accoutrements, as before directed, in good Order, and there diligently, decently and obediently attend to Instruction, and perform his Exercise in Arms according to the Commands and Orders of the Commanding Officer. And if any non-commissioned Officer or Private shall not appear on the Parade, with his Firelock and other Accoutrements (as soon as he can be accommodated with the same) in good Order, having no reasonable Excuse, and answer to his Name when the Roll is called over, which the Commanding Officer of each Company is hereby directed to cause to be done, at the Distance of one Hour after the Time appointed for meeting on the Parade, he shall forfeit and pay the Sum of *Three Shillings and Nine-pence* for every such Neglect, and if after Appearance and answering to his Name he shall not there behave himself

self in a Manner suitable to the Attention and Care requisite in such Exercise, he shall forfeit and pay any Sum not exceeding *Ten Shillings*, upon Conviction by a Court-Martial to be ordered by the Commanding Officer of the Company to which such Party so offending belongs, which shall consist of a subaltern Officer and six Privates of the same Company; the said Subaltern to be President thereof, and all the Members thereof to be appointed by the said Commanding Officer.

AND BE IT FURTHER ENACTED, That if any Complaint shall be made to the Colonel or other Commanding Officer of any Battalion of Misbehaviour, or Breach of Duty, of any commissioned Officer, in any Matter or Thing required of him by this Act, then such Colonel or Commanding Officer shall and may appoint a Court-Martial, which shall consist of seven commissioned Officers at the least, the President whereof shall be a Field-Officer, who, or a Majority of whom, shall hear, try, determine, and give Sentence on such Offence, so that the same Sentence extend not further than to a pecuniary Fine (where not ascertained

ascertained by this Act) not exceeding *Twenty Pounds*, or to a public and solemn Acknowledgement of the Fault of such offending Officer, or to a Suspension or Loss of his Military Commission ; which Sentence, being transmitted to and approved of in Part or in the Whole by the President or Commander in Chief of this State, shall be accordingly executed.

AND BE IT ENACTED, That the Colonel or Commanding Officer of every Battalion shall employ a skilful and able Adjutant for his Battalion, who shall train and exercise the Battalion, and the several Companies thereof, according to the Directions of the Colonel or Commanding Officer, and shall receive for every Day he is actually employed, any Sum not exceeding *Ten Shillings* ; and he shall also appoint a Drum- and Fife-Major, who, for every Day they may be employed in teaching the Drummers and Fifers of the Battalion, shall be allowed any Sum not exceeding *Seven Shillings and Six-pence*. And every Captain shall appoint a Drummer and Fifer for his Company. And every Captain of Horse shall employ a skilful and able Adjutant

Adjutant for his Troop, who shall train and exercise the Troop according to the Directions of the Captain, and shall receive for every Day he is actually employed any Sum not exceeding *Ten Shillings*; and he shall also appoint a Trumpeter for his Troop, who shall receive a Sum not exceeding *Five Shillings* a Day whilst on Duty.

AND BE IT ENACTED, That if any Brigade, Battalion or Company shall be called forth into actual Service, the Officers and Men respectively who shall be so called forth, whilst they are in actual Service, shall be subject and liable to the Rules and Regulations established by the Continental Congress for the Government of the Continental Army, and shall, for a Month of thirty Days, and so in Proportion, exclusive of their Provisions, be entitled to, and receive the following Pay, *to wit*;

A Major-General, - -	£	50	0	0.
A Brigadier-General, - -		35	0	0.
A Colonel, - - - -		20	0	0.
A Lieutenant-Colonel, -		16	0	0.
A Major, - - - - -		12	0	0.
A Quarter-Master, - -		7	10	0.
An Adjutant, = = = =		7	10	0.

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A Surgeon, - - -	10	0	0
Every Assistant Surgeon, -	7	10	0 2
Each Captain, - - -	9	0	0 2
Each Lieutenant, - - -	7	10	0 2
Each Ensign, - - - -	6	0	0 1
Each Sergeant, - - -	2	15	0
Each Drum-Major, - - -	2	15	0
Each Fife-Major, - - -	2	15	0
Each Corporal, - - -	2	10	0
Each Drummer, - - -	2	10	0
Each Fifer, - - -	2	10	0
Each Private, - - -	2	5	0

AND BE IT FURTHER ENACTED,
That the firing four Muskets successively
and distinctly and the beating of a Drum,
or the firing two Cannon at four Minutes
Distance of Time and the beating of a
Drum, shall be Signals of, and be deemed
and taken to be, an Alarm. And the Com-
manding Officer of each Company, who
shall have Notice of an Alarm, shall forth-
with cause the Assemble to be beat, and
shall collect the Company under his Com-
mand; and if, on sending Notice thereof
to either of the Field-Officers of his Bat-
talion, he shall receive Orders to that Pur-
pose, he shall also send immediate Notice
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and Intelligence thereof to the Commanding Officer of the next Hundred or District, who shall in like Manner cause Notice to be given to the next Commanding Officer, and so on 'till general Notice be given : And the Colonels, Lieutenant-Colonels, Majors, and the Captain or other Commanding Officer of each Company, with his Company, shall march to such Place or Rendezvous as shall be appointed by the Commanding Officer, or the President or Commander in Chief of this State, under the Penalty of *One Hundred Pounds* for every Field-Officer, and *Fifty Pounds* for each Captain, for each and every such Default or Neglect, and being degraded; and each Field-Officer, and the Commanding Officer of each respective Company, may and shall, and they are hereby severally impowered, on such Occasions, to impress Horses and Carriages, as the Service may require. And upon every such Alarm, any Officer under the Degree of a Captain, and every Private, shall, and is hereby required, immediately to repair with his Arms and Accoutrements to the Habitation of the Captain of the Company to which he belongs, unless some other Place shall be appointed for that Purpose, there to receive such Orders, and march to such Place as he

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shall

shall appoint, and shall obey all such Commands as the said Captain or Commanding Officer shall give, under the Penalty of *Twenty-five Pounds* if a commissioned Officer, and *Ten Pounds* if a non-commissioned Officer or Private; and after the said Company is so formed, it shall be considered to be in actual Service, and in full Pay, and so shall remain until discharged.

AND BE IT FURTHER ENACTED, That every General-Officer, in case of an actual Invasion or an Alarm, shall obey such Orders as he shall receive from his superior Officer, under the following Penalties, *to wit*; *Two Hundred and Fifty Pounds* if the Major-General, and *One Hundred and Seventy-five Pounds* if a Brigadier-General; and also upon a Conviction of Disobedience of such Orders by a special Court-Martial, to be composed of three Colonels, three other Field-Officers and seven Captains, who are to be nominated by the Commander in Chief of this State for the Time being, and to be on Oath, he shall be cashiered. And if any Person or Persons except a Commissioned Officer, or some Person by him empowered and directed, shall presume to make the Signals of an Alarm, in Manner aforesaid,

said, within this State, he or they shall forfeit for such Offence the Sum of *Twenty Pounds*.

AND BE IT FURTHER ENACTED, That if any Person, either Officer or Private, shall be wounded or disabled upon any Invasion, or in any Military Service under this Act, he shall be taken Care of, supported and maintained according to his Rank and Dignity, at the public Charge of this State during the Time of his Disability.

AND BE IT FURTHER ENACTED, That no Person or Persons, by this Act directed to meet and muster at the Days and Times aforesaid, shall be liable to be arrested, or taken, by any Sheriff, Constable or other Officer in any Civil Action whatsoever, on the Day of such Meeting, in going to, remaining at, or returning from the same, but every such Arrest shall be, *ipso facto*, void, and the Officer making the same shall be liable to an Action of Trespass for false Imprisonment at the Suit of the Party so arrested, and he shall be forthwith set at Liberty, and discharged from the Custody of such Officer, by Order of any one Judge

or Justice of the Peace of the County where such Arrest is made, or by the Captain of the Company in which such Person hath enrolled : And the Arms and Accoutrements aforesaid of every Person, required by this Act to provide and keep the same for Military Service, shall be, and are hereby declared to be, exempt and privileged from all Distresses, Executions, Extents, Attachments or other Process whatsoever ; and any civil Officer distraining, seizing, attaching or taking the same in Execution, shall forfeit and pay the Sum of *Three Pounds* to the Party grieved ; and any Sale thereof by him made shall be null and void.

AND BE IT FURTHER ENACTED, That all Fines, Forfeitures and Penalties mentioned in this Act, incurred by any Person enrolled in the Militia under the Degree of a commissioned Officer, shall be paid to the Captain of the Company to which he belongs, within ten Days after the Time the same became due. And all Fines, Forfeitures and Penalties by this Act imposed on any commissioned Officer, under the Rank of a Colonel, for a Breach or Neglect of his Duty, shall be paid within the Time above mentioned to the Colonel of
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the Regiment to which such Officer doth belong. And all Fines by this Act imposed on a Colonel, or other Superior Officer, for a Breach or Neglect of his Duty, shall be paid by him to the Military Treasurer of the County in which he resides. And in case of the non-payment of the said Fines, Forfeitures or Penalties, within the Time aforesaid, to the Persons aforesaid respectively appointed to receive the same, such Captain, Colonel or Military Treasurer, in whose Department such Default may be, shall make Application to any Justice of the Peace of the County in which he resides, where the Fine, Forfeiture or Penalty doth not exceed *Five Pounds*, who shall thereupon issue his Warrant against such Person as the said Captain, Colonel or Military Treasurer respectively shall return to him, directed to any Constable of the County, thereby commanding him to bring the Body of such Person or Persons before him, or some other Justice of the said County, to answer the Charge of the said Captain, Colonel or Military Treasurer respectively; and such Justice shall proceed to hearing and Judgment therein according to the Equity and Justice of the Case, and the Directions, true Intent and Meaning of this Act, with
Costs

Costs as in other Cases; and in case Judgment shall pass against the Defendant, the Fine and Costs arising on such Judgment shall be levied by Distress and Sale of the Offender's Goods and Chattles by Warrant under the Hand and Seal of any one Justice of the Peace of the County where such Judgment is given; and in Case no Goods or Chattles can be found, then by Imprisonment of the Body of the said Offender until Payment made of the said Fine. And in Case of non-payment of the said Fines, Forfeitures or Penalties, exceeding *Five Pounds*, within the Time aforesaid to the Persons aforesaid respectively appointed to receive the same, such Person, in whose Department such Default may be, may and shall commence an Action of Debt for the same in any Court of Common Pleas within this State against the Person who hath forfeited the same, and may declare in such Action, that the said Penalty, or Forfeiture was incurred by a Neglect of some Duty, or the Commission of some Offence mentioned in this Act, and may proceed to Trial, Judgment and Execution, as in other Actions cognizable in the said Courts. And the said Colonels and Captains may and shall, from Time to Time,

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pay over all the Fines, Forfeitures and Penalties they shall respectively receive or recover as aforesaid (deducting Two Shillings in the Pound for the Trouble of Collection) to the Military Treasurer of the County in which they reside, taking his Receipt for the same.

AND BE IT FURTHER ENACTED, That the Monies coming to the Hands of the respective Military Treasurers under this Act shall, and may be, appropriated by the President or Commander in Chief, by and with the Advice and Consent of the Field-Officers of the Battalions in each County, or a Majority of them, to be convened together on Notice for that Purpose, in Manner following.—First, For the providing Arms and Accoutrements for such of the Persons enrolled, as are rated in the Assessments for the current Year at less than *Four Pounds* in the County of *New-castle*, and *Six Pounds* in the other Counties, or are poor and cannot procure them for themselves, to be distributed among the Companies, of Militia in each County; and the Arms and Accoutrements so to be distributed for the Use of each Company shall be delivered to the Captain thereof, who is to take Care of,
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and be responsible for them to the General Assembly of this State, at the End of the present War.—Secondly, For the Payment of Adjutants, Sergeant-Majors, Drum-Majors, Fife-Majors, and Trumpeters within the said County.—Thirdly, For the Relief of such Enrollers as may be wounded, or otherwise disabled in actual Service.—Fourthly, For the Relief and Support of the Widows and Children of those who may be killed in actual Service, by way of Annuities.—And, Fifthly, To pay such of the Enrollers as, through Poverty, are not rated or assessed towards the County and other public Taxes, for the Time they may spend in the Field on Muster- or Review-Days; the Residue, if any, to be paid into the Treasury of the County, and applied as other public Taxes are.

AND BE IT ENACTED, That the President or Commander in Chief shall from Time to Time draw Orders on the respective Military Treasurers, in favour of the respective Colonels of the Militia, for any Sum or Sums so appropriated as aforesaid: And the said Colonels are hereby required to dispose of and apply the same Monies to the Uses for which they shall be so appropriated,

priated, and in a reasonable Time after to render a just and true Account of the Disposition thereof to the President.

AND BE IT FURTHER ENACTED, That it shall and may be lawful for the President, on Application from Congress, or the Commander in Chief of the Continental Army, for the Aid of the Militia of this State, to issue Orders to the several Commanding Officers of Battalions to call out the same at some convenient Place in each County, and enrol every able bodied Male white Person who is willing to march to the Assistance of any State invaded ; which said Enrolments the several Commanding Officers shall return to the President, who, with the Advice of the Privy-Council, shall form the said Persons so enrolled into Companies and Battalions, and nominate and commission Officers for the same, and direct and order their March.

AND BE IT ENACTED, That each and every Person so enrolling and marching shall be entitled to, and receive, the Sum of *Four Dollars per Month* as a Bounty (the first Month's Bounty to be paid at the Time of marching) over and above the monthly
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Pay and Subsistence allowed to the Troops in the Continental Army; which Bounty shall be drawn for by the President of this State on the Trustees of the Loan-Offices respectively.

AND BE IT FURTHER ENACTED, That every Person, who doth not enrol himself, and exercise in the Militia agreeable to the Directions of this Act, shall pay the Fines and Penalties by him incurred for refusing or neglecting the same to the Collector of the public Taxes of the Hundred in which he resides, at the Time of Payment of his County Rate or Levy.

AND, to the End that the respective Collectors of the public Levies in this State may know of whom to demand and receive the Payments directed to be made to them by this Act, IT IS HEREBY ENACTED, That the Colonel or Commanding Officer of each Battalion of Militia in this State shall make a compleat List of the Names as well of such Persons within the District of his Battalion as have refused or neglected to enrol and exercise in the Militia, agreeable to the Directions of this Act, and
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of the Amount of the Penalties by them respectively incurred at the Time of making said List, as of every Male Person of the Age of fifty Years and upwards, made liable by this Act to annual Payment: And the said Colonel or Commanding Officer, shall, on or before the *First Day* of *June* next, and on or before the *Twenty-fifth Day* of *January* in every Year thereafter, return the said List, certified under his Hand, into the Office of the Clerk of the Peace of the County to which his Battalion belongs, who shall file the same amongst the Proceedings of the Levy-Court; and such Clerk of the Peace shall annually, within one Month after the respective Days aforesaid, transcribe the Names contained in such List, distinguishing the Hundred in which the Person resides, and annex to each Name the Sum such Person is rated at in the County Assessment for the current Year, and also the Sum each Person there named ought to pay according to the Directions of this Act; and shall deliver Duplicates of the said transcribed Lists to the Collector of each Hundred of his County within the Month aforesaid; for which Service, each Clerk of the Peace shall be allowed and paid such Sum as the Levy-Court in their Discretion may think reasonable.

AND

AND BE IT ALSO ENACTED, That the said Collectors respectively are hereby authorized and required to demand and receive, of the Persons named in the List so to be delivered as aforesaid, the respective Sums of Money wherewith they shall stand charged therein; and if any of the said Persons shall refuse or neglect to pay the Sum or Sums, so rated and annexed, by the Space of ten Days after demand made, the said Collectors respectively shall and may proceed to levy and recover the same, in the Manner as is directed by the Act for raising County Rates and Levies. And the said Collectors respectively shall, on or before the *first* Day of *November* in every Year, render a true and just Account of, and pay unto the Military Treasurer of his County for the Time being, all and every the Sums of Money aforesaid in their respective Lists, deducting One Shilling in the Pound for their Trouble of Collection; and the Treasurer's Receipt to the Collectors shall be a sufficient Discharge therefor.

PROVIDED ALWAYS, AND BE IT ENACTED, That the public Bonds to be given by the said Collectors, according to the Directions of the Act for raising County

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ty Rates and Levies aforesaid, shall be deemed to extend to the faithful Performance of the Duty hereby required of them respectively.

AND BE IT FURTHER ENACTED, That the Military Treasurers respectively shall, in Books to be provided for that Purpose, keep distinct, fair and true Accounts of all public Monies that shall come to their Hands, and of what they Pay by Virtue of this Act, or by Orders of the General Assembly, and shall exhibit the same Books, together with their other Vouchers, to the Committees of the General Assembly who may be appointed from Time to Time to settle the said Accounts. And the said Military Treasurers shall have and receive for their Trouble and Service the sum of Two Pounds and Ten Shillings for every Hundred Pounds, and so in Proportion for any greater or lesser Sums of Money, to be allowed them at settling their Accounts. And where any Military Treasurer shall be removed from his Office, he shall deliver up to his Successor all the Books and Papers, relating to the public Accounts, entire and undefaced; and in Case of Death, his Executors or Administrators shall in like Manner

ner deliver up the same to the succeeding Treasurer.

AND BE IT FURTHER ENACTED, That the respective Military Treasurers for the Time being, or any others to be appointed by the General Assembly, before they shall further enter upon the Execution of their Office, shall give Bond to the President for the Time being, in the Name of the DELAWARE STATE, with sufficient Surety, in the Sum of One Thousand Pounds, conditioned, for the faithful Performance of the Trust by this Act in them reposed.

AND BE IT FURTHER ENACTED, That if any Justice of the Peace within this State shall refuse or neglect to issue Warrants in Manner aforesaid, on Application to him for that Purpose made by the proper Officer, or if any Clerk of the Peace, or any Collector of a Hundred, shall refuse or neglect to do the Duty required of him by this Act, or if any Military Treasurer, Colonel or Captain shall through Favour or Partiality neglect or refuse to recover and receive the Fines, Forfeitures and Penalties by this Act imposed on Persons offending against the same, or any Part thereof, which they respectively are directed by this Act to sue for
and

and recive, and shall be thereof convicted by the Testimony of two credible Witnesses, or Confession of the Party offending, before the Judges of the Court of Common Pleas of the County where such Offence shall be committed, who are hereby impowered and required in a summary Way to hear and determine the same, he, or they, so offending, shall forfeit and pay a Fine in the Discretion of the said Justices not exceeding the Sum of *Ten Pounds*, to be levied with Costs by Process issuing out of the said Court: And an Action for such Fine or Penalty, neglected to be sued for, recovered or received as aforesaid, may, and shall, be commenced by Order of the President or Commander in Chief for the Time being in the Name of the DELAWARE STATE; all and every of which Forfeitures, when recovered, shall be paid to the Military Treasurer of the County, and applied as other Forfeitures under this Act.

AND BE IT ENACTED, That if any Suit or Action shall be brought against any Officer, Civil or Military, for doing the Duty enjoined or required of him by this Act, he may plead the general Issue, and give this Act in Evidence; and if the Plaintiff in such Suit or Action shall discontinue
the

the same, be non-suited, or a Verdict shall
be given against him, or Judgment be given a-
gainst him, he shall pay the Defendant tre-
ble Costs.

AND BE IT ENACTED, That this
Act shall continue in Force so long as the
present War between *Great-Britain* and the
United States of *America* shall continue,
and no longer.

AND BE IT FURTHER ENACTED,
That the Act of the last Assembly, intituled,
“Articles and Rules for encouraging the
Association and the better governing the Mi-
litia” be, and the same is hereby repealed,
made null and void.

Signed, by Order of the House of Assembly,

THOMAS MCKEAN, *Speaker.*

Signed, by Order of the Council,

GEORGE READ, *Speaker.*

Passed

February 22, 1777.

~~WILMINGTON, DECEMBER 17, 1777.~~

W I L M I N G T O N,

Printed by JAMES ADAMS, 1777.